

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 34

JEFFS ELECTRIC LLC

Employer

and

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 35

Petitioner

Case No. 34-RC-2169

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board. Pursuant to Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned. Upon the entire record in this proceeding, I find that: the hearing officer's rulings are free from prejudicial error and are affirmed; the Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction;¹ the labor organization involved claims to represent certain employees of the Employer; and a question affecting commerce exists concerning the representation of certain employees of the Employer.

¹ The Employer failed to appear at the hearing in this matter or otherwise provide requested evidence concerning the effect of its operations on interstate commerce. Nevertheless, the record reveals that the Employer, a Connecticut corporation located at 35 Canterbury Rd., Brooklyn, Connecticut, is an electrical contractor in the construction industry. During the past 12 months, the Employer performed services at the Dick's Sporting Goods jobsite in Manchester, Connecticut in excess of \$50,000 pursuant to a contract with Bowdoin Construction Corporation, a Massachusetts corporation located at 220 Reservoir St., Needham Heights, Massachusetts. In performing such services, the Employer purchased and received materials at the Manchester, Connecticut jobsite valued in excess of \$50,000 from Westco Distribution, Inc., located in Pittsburgh, Pennsylvania. The record further reveals that the Employer is currently performing work at a jobsite located in New London, Connecticut. Based upon the foregoing, and notwithstanding the Employer's failure to cooperate in the production of evidence concerning the effect of its operations on interstate commerce, I find that the Employer's operations substantially affect commerce within the meaning of the Act, and that it is therefore within the Board's statutory jurisdiction.

The Petitioner seeks to represent all of the Employer's full-time and regular part-time journeymen and apprentice electricians in the State of Connecticut. In the construction industry, units composed of electricians working for an individual employer are common, and regularly found to be appropriate. In the instant case, the record contains no evidence to suggest otherwise. Accordingly, I find that the petitioned-for unit is appropriate for the purposes of collective-bargaining.

Accordingly, I find that the following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time journeymen and apprentice electricians employed by the Employer in the State of Connecticut; but excluding all other employees,² office clerical employees, and guards, professional employees, and supervisors as defined in the Act.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted among the employees in the unit found appropriate herein at the time and place set forth in the notices of election to be issued subsequently.

Eligible to vote: those employees in the unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were in the military services of the United States, ill, on vacation, or temporarily laid off; and employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period, and their replacements.

Ineligible to vote: employees who have quit or been discharged for cause since the designated payroll period; employees engaged in a strike who have been discharged for cause since the strike's commencement and who have not been rehired or reinstated before the election date; and employees engaged in an economic strike

² The Petitioner also seeks to exclude "relatives of the owner" from the petitioned-for unit. However, the record reveals no evidence as to the identity of such individuals, the nature of their job duties, the manner in which they are compensated, or their relationship to the owner. Accordingly, I shall permit such individuals to vote, subject to challenge, in the election directed herein.

which commenced more than 12 months before the election date and who have been permanently replaced.

The eligible employees shall vote whether or not they desire to be represented for collective bargaining purposes by International Brotherhood of Electrical Workers, Local 35.

To ensure that all eligible employees have the opportunity to be informed of the issues in the exercise of their statutory rights to vote, all parties to the election should have access to a list of voters and their addresses that may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969). Accordingly, it is hereby directed that within seven (7) days of the date of this Decision and Direction of Election, the Employer shall file with the undersigned, an eligibility list containing the *full* names and addresses of all the eligible voters. *North Macon Health Care Facility*, 315 NLRB 359 (1994). The undersigned shall make the list available to all parties to the election. In order to be timely filed, such list must be received in the Regional office, 280 Trumbull Street, 21st Floor, Hartford, Connecticut 06103, on or before April 18, 2006. No extension of time to file these lists shall be granted except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed.

Right to Request Review

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570, or electronically pursuant to the guidance that can be found under "E-gov" on the Board's web site at www.nlr.gov. This request must be received by the Board in Washington by April 25, 2006.

Dated at Hartford, Connecticut this 11th day of April, 2006.

/s/ Peter B. Hoffman
Peter B. Hoffman, Regional Director
National Labor Relations Board
Region 34